
SENATE BILL 5534

State of Washington

59th Legislature

2005 Regular Session

By Senators Poulsen, Swecker, Kohl-Welles, Weinstein, Prentice, Kline, Esser, Fairley, Oke and Benson

Read first time 01/27/2005. Referred to Committee on Transportation.

1 AN ACT Relating to city monorail transportation authorities;
2 amending RCW 35.95A.050, 35.95A.110, 39.36.030, 35.95A.070, 35.95A.130,
3 82.44.065, and 82.44.120; adding new sections to chapter 35.95A RCW;
4 adding a new section to chapter 46.16 RCW; adding a new section to
5 chapter 82.44 RCW; creating a new section; prescribing penalties; and
6 declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to read
9 as follows:

10 Every authority has the following powers:

11 (1) To acquire by purchase, condemnation, gift, or grant and to
12 lease, construct, add to, improve, replace, repair, maintain, operate,
13 and regulate the use of public monorail transportation facilities,
14 including passenger terminal and parking facilities and properties, and
15 other facilities and properties as may be necessary for passenger and
16 vehicular access to and from public monorail transportation facilities,
17 together with all lands, rights of way, and property within or outside
18 the authority area, and together with equipment and accessories
19 necessary or appropriate for these facilities, except that property,

1 including but not limited to other types of public transportation
2 facilities, that is owned by any city, county, county transportation
3 authority, public transportation benefit area, metropolitan municipal
4 corporation, or regional transit authority may be acquired or used by
5 an authority only with the consent of the public entity owning the
6 property. The entities are authorized to convey or lease property to
7 an authority or to contract for their joint use on terms fixed by
8 agreement between the entity and the authority. The right of eminent
9 domain must be exercised by the authority under a resolution to the
10 same extent, in the same manner, and by the same procedure as is or may
11 be provided by law for cities of the first class, except insofar as
12 those laws may be inconsistent with this chapter;

13 (2) To fix rates, tolls, fares, and charges for the use of
14 facilities and to establish various routes and classes of service.
15 Rates, tolls, fares, or charges may be adjusted or eliminated for any
16 distinguishable class of users including, but not limited to, senior
17 citizens and ~~((handicapped))~~ persons with disabilities;

18 (3) To contract with the United States or any of its agencies, any
19 state or any of its agencies, any metropolitan municipal corporation,
20 and other ~~((country))~~ county, city, other political subdivision or
21 governmental instrumentality, or governmental agency, or any private
22 person, firm, or corporation for the purpose of receiving any gifts or
23 grants or securing loans or advances for preliminary planning and
24 feasibility studies~~((, or))~~;

25 (4) Notwithstanding the provisions of any law to the contrary, and
26 in addition to any other authority provided by law, to contract with
27 parties including but not limited to the United States or any of its
28 agencies, any state or any of its agencies, any metropolitan municipal
29 corporation, any other county, city, other political subdivision or
30 governmental instrumentality, or governmental agency, or any private
31 person, firm, or corporation for the design, construction, financing,
32 operation, or maintenance of public monorail transportation facilities
33 as follows:

34 ~~((Notwithstanding the provisions of any law to the contrary,~~
35 ~~and in addition to any other authority provided by law,))~~ The governing
36 body of a city transportation authority may contract with one or more
37 ~~((venders))~~ parties for the design, construction, financing, operation,
38 or maintenance, or other service related to the development of a

1 monorail public transportation system including, but not limited to,
2 monorail trains, operating systems and control equipment, guideways,
3 and pylons, together with the necessary passenger stations, terminals,
4 parking facilities, and other related facilities necessary and
5 appropriate for passenger and vehicular access to and from the monorail
6 train.

7 (b) If the governing body of the city transportation authority
8 decides to proceed with the consideration of qualifications or
9 proposals for services from qualified (~~vendors~~) parties, the
10 authority must publish notice of its requirements and request
11 submission of qualifications statements or proposals. The notice must
12 be published in the official newspaper of the city creating the
13 authority at least once a week for two weeks, not less than sixty days
14 before the final date for the submission of qualifications statements
15 or proposals. The notice must state in summary form: (i) The general
16 scope and nature of the design, construction, financing, operation,
17 maintenance, or other services being sought related to the development
18 of the proposed monorail, tram, or trolley public transportation
19 system; (ii) the name and address of a representative of the city
20 transportation authority who can provide further details; (iii) the
21 final date for the submission of qualifications statements or
22 proposals; (iv) an estimated schedule for the consideration of
23 qualifications statements or proposals(~~, the~~) and selection (~~of~~
24 ~~vendors~~) among them, and the negotiation of a contract or contracts
25 for services; (v) the location of which a copy of any requests for
26 qualifications statements or requests for proposals will be made
27 available; and (vi) the selection criteria established by the governing
28 body of the authority (~~to select a vendor or vendors~~), which may
29 include, but is not limited to, (~~the vendor's~~) prior experience,
30 including design, construction, financing, operation, or maintenance of
31 other similar public transportation facilities, (~~respondent's~~)
32 management capabilities, proposed project schedule, availability and
33 financial resources, costs of the services to be provided, nature of
34 facility design proposed (~~by the vendors~~), system reliability,
35 performance standards required for the facilities, compatibility with
36 existing public transportation facilities operated by the authority or
37 any other public body or other providers of similar services to the
38 public, project performance guarantees, penalties, and other

1 enforcement provisions, environmental protection measures to be used
2 (~~by the vendor~~), consistency with the applicable regional
3 transportation plans, and the proposed allocation of project risks.

4 (c) If the governing body of the city transportation authority
5 decides to proceed with the consideration of qualifications statements
6 or proposals submitted (~~by vendors~~), it may designate a
7 representative or representatives to evaluate the (~~vendors~~) parties
8 who submitted qualifications statements or proposals, request
9 clarifications, and conduct interviews and discussions regarding
10 qualifications or proposals with one or more (~~vendors~~) parties. The
11 governing body or its representative may request submission of
12 qualifications statements and may later request more detailed proposals
13 from one or more (~~vendors~~) parties who have submitted qualifications
14 statements, or may request detailed proposals without having first
15 received and evaluated qualifications statements. The governing body
16 or its representative will evaluate the qualifications or proposals, as
17 applicable. If two or more (~~vendors~~) parties submit qualifications
18 or proposals that meet the criteria established by the governing body
19 of the authority, (~~discussions and~~) interviews must be held with at
20 least two (~~vendors~~) parties. Any revisions to a request for
21 qualifications or request for proposals must be made available to all
22 (~~vendors~~) parties then under consideration by the governing body of
23 the authority and must be made available to any other person who has
24 requested receipt of that information.

25 (d) Based on the criteria established by the governing body of the
26 authority, the representative will recommend to the governing body a
27 (~~vendor or vendors~~) party or parties that are initially determined to
28 be the best qualified to provide one or more of the design,
29 construction, financing, operation, or maintenance, or other service
30 related to the development of the proposed monorail public
31 transportation system.

32 (e) The governing body of the authority or its representative may
33 attempt to negotiate a contract with the (~~vendor or vendors~~) party or
34 parties selected for one or more of the design, construction,
35 financing, operation, or maintenance, or other service related to the
36 development of the proposed monorail public transportation system on
37 terms that the governing body of the authority determines to be fair
38 and reasonable and in the best interest of the authority. If the

1 governing body, or its representative, is unable to negotiate a
2 contract with any one or more of the ~~((venders))~~ parties, first
3 selected on terms that it determines to be fair and reasonable and in
4 the best interest of the authority, negotiations with any one or more
5 of the ~~((venders))~~ parties, must be terminated or suspended and another
6 qualified ~~((vendor or venders))~~ party or parties may be selected in
7 accordance with the procedures set forth in this section. If the
8 governing body decides to continue the process of selection,
9 negotiations will continue with a qualified ~~((vendor or venders))~~ party
10 or parties in accordance with this section at the sole discretion of
11 the governing body of the authority until an agreement is reached with
12 one or more qualified ~~((venders))~~ parties, or the process is terminated
13 by the governing body. The process may be repeated until an agreement
14 is reached.

15 (f) Prior to entering into a contract ~~((with a vendor))~~ under this
16 subsection (4), the governing body of the authority must make written
17 findings, after holding a public hearing on the proposal, that it is in
18 the public interest to enter into the contract, that the contract is
19 financially sound, and that it is advantageous for the governing body
20 of the authority to use this method for awarding contracts for one or
21 more of the design, construction, ~~((or))~~ financing, operation, or
22 maintenance of the proposed monorail public transportation system as
23 compared to all other methods of awarding such contracts.

24 (g) Each contract under this subsection (4) must include a project
25 performance bond or bonds or other security by the vendor.

26 (h) The provisions of chapters 39.12 and 39.19 RCW apply to a
27 contract entered into under this ~~((section as if the public~~
28 ~~transportation systems and facilities were owned by a public body))~~
29 subsection (4).

30 (i) The ~~((vendor))~~ selection process permitted by this ~~((section))~~
31 subsection (4) is ~~((supplemental))~~ alternative to and is not construed
32 as a repeal of or limitation on any other authority granted by
33 law~~((-))~~;

34 ~~((+))~~ (5) To contract~~((s))~~ for the construction of facilities,
35 other than contracts ~~((for facilities to be provided by the selected~~
36 ~~vendor,))~~ procured under subsection (4) of this section and contracts
37 with an estimated cost ~~((greater))~~ less than two hundred thousand

1 dollars (~~must be awarded after~~), through a competitive bid process
2 consistent with chapter 39.04 RCW or awarded through an alternative
3 public works contracting procedure consistent with chapter 39.10 RCW;

4 (~~(+4)~~) (6) To contract with the United States or any of its
5 agencies, any state or any of its agencies, any metropolitan municipal
6 corporation, any other county, city, other political subdivision or
7 governmental instrumentality, any governmental agency, or any private
8 person, firm, or corporation for the use by either contracting party of
9 all or any part of the facilities, structures, lands, interests in
10 lands, air rights over lands, and rights of way of all kinds which are
11 owned, leased, or held by the other party and for the purpose of
12 planning, designing, constructing, operating any public transportation
13 facility, or performing any service related to transportation which the
14 authority is authorized to operate or perform, on terms as may be
15 agreed upon by the contracting parties;

16 (~~(+5)~~) (7) To acquire any existing public transportation facility
17 by conveyance, sale, or lease. In any acquisition from a county, city,
18 or other political subdivision of the state, the authority will receive
19 credit from the county or city or other political subdivision for any
20 federal assistance and state matching assistance used by the county or
21 city or other political subdivision in acquiring any portion of the
22 public transportation facility. Upon acquisition, the authority must
23 assume and observe all existing labor contracts relating to the public
24 transportation facility and, to the extent necessary for operation of
25 the public transportation facility, all of the employees of the public
26 transportation facility whose duties are necessary to efficiently
27 operate the public transportation facility must be appointed to
28 comparable positions to those which they held at the time of the
29 transfer, and no employee or retired or pensioned employee of the
30 public transportation facility will be placed in any worse position
31 with respect to pension seniority, wages, sick leave, vacation, or
32 other benefits than he or she enjoyed as an employee of the public
33 transportation facility prior to the acquisition. Furthermore, the
34 authority must engage in collective bargaining with the duly appointed
35 representatives of any employee labor organization having existing
36 contracts with the acquired facility and may enter into labor contracts
37 with the employee labor organization;

1 (~~(6)~~) (8) To contract for, participate in, and support research,
2 demonstration, testing, and development of public monorail
3 transportation facilities, equipment, and use incentives, and have all
4 powers necessary to comply with any criteria, standards, and
5 regulations which may be adopted under state and federal law, and to
6 take all actions necessary to meet the requirements of those laws. The
7 authority has, in addition to these powers, the authority to prepare,
8 adopt, and carry out a comprehensive public monorail plan and to make
9 other plans and studies and to perform programs as the authority deems
10 necessary to implement and comply with those laws;

11 (~~(7)~~) (9) To establish local improvement districts within the
12 authority area to finance public monorail transportation facilities, to
13 levy special assessments on property specially benefited by those
14 facilities, and to issue local improvement bonds to be repaid by the
15 collection of local improvement assessments. The method of
16 establishment, levying, collection, enforcement, and all other matters
17 relating to the local improvement districts, assessments, collection,
18 and bonds are as provided in the statutes governing local improvement
19 districts of cities and towns. The duties devolving upon the city
20 treasurer in those statutes are imposed on the treasurer of the
21 authority;

22 (~~(8)~~) (10) To submit ballot propositions to the qualified
23 electors of the authority area on one or more of the following issues,
24 after a public hearing and adoption of a resolution by the governing
25 body of the authority submitting the proposition for approval: (a)
26 Amendments to the ordinance or petition creating the authority under
27 RCW 35.95A.020 and 35.95A.030, including but not limited to an
28 amendment regarding election of a majority of members of the governing
29 body of the authority; and (b) the imposition of taxes and fees
30 authorized under this chapter for the funding of additional monorail
31 lines and associated public transportation facilities. A ballot
32 proposition must be submitted at a specified general or special
33 election occurring not less than forty-five days after the adoption of
34 the resolution;

35 (11) To exercise all other powers necessary and appropriate to
36 carry out its responsibilities, including without limitation the power
37 to sue and be sued, to own, construct, purchase, lease, add to, and
38 maintain any real and personal property or property rights necessary

1 for the conduct of the affairs of the authority, to make rules and
2 regulations by resolution relating to elections held for the governing
3 body of the authority that are consistent with the ordinance or
4 petition creating the authority under RCW 35.95A.020 and 35.95A.030, to
5 enter into contracts, and to employ the persons as the authority deems
6 appropriate. An authority may also sell, lease, convey, or otherwise
7 dispose of any real or personal property no longer necessary for the
8 conduct of the affairs of the authority.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.95A RCW
10 to read as follows:

11 (1) An authority may establish, by resolution, a schedule of fines
12 and penalties for civil infractions established in section 3 of this
13 act. Fines established by a city transportation authority may not
14 exceed those imposed for class 1 civil infractions under RCW 7.80.120.

15 (2)(a) In order to monitor fare payment, an authority may designate
16 persons authorized to exercise all the powers of an enforcement
17 officer, defined in RCW 7.80.040. An authority may either employ
18 personnel to monitor fare payment, or contract for those services, or
19 both.

20 (b) In addition to the specific powers granted to enforcement
21 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
22 fare payment may also take the following actions:

- 23 (i) Request proof of payment from passengers;
- 24 (ii) Request personal identification from a passenger who does not
25 produce proof of payment when requested;
- 26 (iii) Issue a citation conforming to RCW 7.80.070; and
- 27 (iv) Request that a passenger leave the monorail train or station
28 when the passenger has not produced proof of payment after being asked
29 to do so by a person designated to monitor fare payment.

30 (3) City transportation authorities shall keep, or cause to be
31 kept, records of citations as prescribed by RCW 7.80.150. All civil
32 infractions under section 3 of this act must be heard and determined by
33 a district court for the county in which the infraction occurred as
34 provided in RCW 7.80.010 (1) and (4).

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.95A RCW
36 to read as follows:

1 (1) Persons traveling on monorail trains operated by an authority
2 shall pay the fare established by the authority. They shall produce
3 proof of payment when requested by a person designated to monitor fare
4 payment.

5 (2) The following are civil infractions punishable according to the
6 schedule of fines and penalties established by the authority under
7 section 2 of this act:

8 (a) Failure to pay or attempting to evade payment of the required
9 fare;

10 (b) Failure to display proof of payment when requested to do so by
11 a person designated to monitor fare payment; and

12 (c) Failure to leave the monorail train or station when requested
13 to do so by a person designated to monitor fare payment.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.95A RCW
15 to read as follows:

16 Nothing in section 2 or 3 of this act prevents law enforcement
17 authorities from prosecuting for theft, trespass, or other criminal
18 charge a person who:

19 (1) Fails to pay or attempts to evade payment of the required fare
20 on more than one occasion within a twelve-month period;

21 (2) Fails to sign a notice of civil infraction;

22 (3) Fails to leave the monorail train or station when requested to
23 do so by a person designated to monitor fare payment; or

24 (4) Acts or fails to act in violation of law.

25 **Sec. 5.** RCW 35.95A.110 and 2002 c 248 s 12 are each amended to
26 read as follows:

27 All taxes and fees levied and collected by an authority must be
28 used solely for the purpose of paying all or any part of the cost of
29 acquiring, designing, constructing, equipping, maintaining, or
30 operating public monorail transportation facilities or contracting for
31 the services thereof, or to pay or secure the payment of contracts
32 entered into under RCW 35.95A.050 or payment of all or part of the
33 principal of or interest on any general obligation bonds or revenue
34 bonds issued for authority purposes. Until expended, money accumulated
35 in the funds and accounts of an authority may be invested in the manner

1 authorized by the governing body of the authority, consistent with
2 state law.

3 If any of the revenue from any tax or fee authorized to be levied
4 by an authority has been pledged by the authority to secure the payment
5 of any contracts or bonds as (~~herein~~) authorized in this chapter,
6 then as long as that pledge is in effect the legislature will not
7 withdraw from the authority the authorization to levy and collect the
8 tax or fee.

9 **Sec. 6.** RCW 39.36.030 and 1986 c 50 s 1 are each amended to read
10 as follows:

11 (1) Whenever it shall be necessary to compute the indebtedness of
12 a taxing district for bonding or any other indebtedness purposes, taxes
13 levied for the current year and cash on hand received for the purpose
14 of carrying on the business of such taxing district for such current
15 year shall be considered as an asset only as against indebtedness
16 incurred during such current year which is payable from such taxes or
17 cash on hand: PROVIDED, HOWEVER, That all taxes levied for the payment
18 of bonds, warrants or other public debts of such taxing district, shall
19 be deemed a competent and sufficient asset of the taxing district to be
20 considered in calculating the constitutional debt limit or the debt
21 limit prescribed by this chapter for any taxing district: PROVIDED,
22 That the provisions of this section shall not apply in computing the
23 debt limit of a taxing district in connection with bonds authorized
24 pursuant to a vote of the electors at an election called prior to March
25 1, 1917.

26 (2) If reductions in assessed valuation of property within a taxing
27 district result in the outstanding indebtedness of the taxing district
28 exceeding its statutory indebtedness limitations, the amount of such
29 excess indebtedness shall not be included in the statutory indebtedness
30 ceiling. Additional indebtedness that is subject to indebtedness
31 limitations, other than refinancing indebtedness that does not increase
32 the total amount of indebtedness, may not be issued by such a taxing
33 district until its total outstanding indebtedness, including that which
34 this subsection removes from the statutory indebtedness limitations, is
35 below these limitations.

36 (3) The calculation of outstanding indebtedness must include the
37 initial principal amount of an issue and may not include interest that

1 is currently payable or that compounds, accretes, appreciates, or
2 accrues as a part of the amount payable at maturity or earlier
3 redemption.

4 (4) Nothing in this section authorizes taxing districts to incur
5 indebtedness beyond constitutional indebtedness limitations.

6 **Sec. 7.** RCW 35.95A.070 and 2002 c 248 s 8 are each amended to read
7 as follows:

8 Every authority has the power to:

9 (1) Levy excess levies upon the property included within the
10 authority area, in the manner prescribed by Article VII, section 2 of
11 the state Constitution and by RCW 84.52.052 for operating funds,
12 capital outlay funds, and cumulative reserve funds;

13 (2) Issue general obligation bonds, not to exceed an amount,
14 together with any outstanding nonvoter-approved general obligation
15 indebtedness equal to one and one-half percent of the value of the
16 taxable property within the authority area, as the term "value of the
17 taxable property" is defined in RCW 39.36.015. An authority may
18 additionally issue general obligation bonds, together with outstanding
19 voter-approved and nonvoter-approved general obligation indebtedness,
20 equal to two and one-half percent of the value of the taxable property
21 within the authority area, as the term "value of the taxable property"
22 is defined in RCW 39.36.015, when the bonds are approved by three-
23 fifths of the qualified electors of the authority at a general or
24 special election called for that purpose and may provide for the
25 retirement thereof by levies in excess of dollar rate limitations in
26 accordance with the provisions of RCW 84.52.056. These elections will
27 be held as provided in RCW 39.36.050;

28 (3) Issue revenue bonds payable from any revenues other than taxes
29 levied by the authority, and to pledge those revenues for the repayment
30 of the bonds. Proceeds of revenue bonds may only be expended for the
31 costs of public monorail transportation facilities, for financing
32 costs, and for capitalized interest during construction plus six months
33 thereafter. The bonds and warrants will be issued and sold in
34 accordance with chapter 39.46 RCW.

35 No bonds issued by an authority are obligations of any city,
36 county, or the state of Washington or any political subdivision thereof
37 other than the authority, and the bonds will so state, unless the

1 legislative authority of any city or county or the legislature
2 expressly authorizes particular bonds to be either guaranteed by or
3 obligations of its respective city or county or of the state.

4 The maximum term of any general obligation or revenue bond issue is
5 the greater of forty years or one hundred twenty percent of the average
6 reasonably expected economic life of the property or improvements being
7 financed with the issue, as determined by the governing body of the
8 authority.

9 **Sec. 8.** RCW 35.95A.130 and 2002 c 248 s 14 are each amended to
10 read as follows:

11 The special excise tax imposed under RCW 35.95A.080(1) will be
12 collected at the same time and in the same manner as relicensing tab
13 fees under RCW 46.16.0621 and 35.95A.090. Every year on January 1st,
14 April 1st, July 1st, and October 1st the department of licensing shall
15 remit special excise taxes collected on behalf of an authority, back to
16 the authority, at no cost to the authority. In order to ensure
17 consistency of valuation by any taxing district authorized to levy a
18 special motor vehicle excise tax, valuation of motor vehicles for
19 purposes of the special excise tax imposed under RCW 35.95A.080(1) must
20 be ((consistent with chapter 82.44 RCW)) performed under section 10 of
21 this act.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.16 RCW
23 to read as follows:

24 (1) In order to obtain or renew a vehicle license, an applicant
25 must satisfy all special motor vehicle excise tax obligations with
26 respect to any taxing district in which the applicant primarily
27 resides. If the department or its agents have a reasonable basis to
28 believe that a vehicle registered at an address outside any taxing
29 district is owned by a person whose primary residence address is in
30 that taxing district, then the renewal application may be processed by
31 the department or its agents only if the applicant:

32 (a) Presents evidence reasonably satisfactory to the department or
33 its agents that the applicant's primary residence is not in the taxing
34 district;

35 (b) Establishes eligibility of the applicant for an exemption from
36 the special motor vehicle excise tax; or

1 (c) Tenders payment of the applicable special motor vehicle excise
2 tax, including, but not limited to, any such tax that should have been
3 paid with respect to previous renewal periods, files a change of
4 address under RCW 46.20.205, and pays a surcharge of fifteen dollars.

5 (2) The surcharge will be allocated as follows:

6 (a) Ten dollars must be deposited in the motor vehicle fund to be
7 used exclusively for the administrative costs of the department; and

8 (b) Five dollars may be retained by the agent handling the renewal
9 application to be used by the agent for the administration of this
10 section.

11 (3) If the department has a reasonable basis to believe that a
12 vehicle registered at an address outside the boundaries of any taxing
13 district is owned by a person whose primary residence address is in
14 that taxing district, the department shall send to the person, at the
15 time of renewal, a statement setting out the presumed address of
16 residency, the taxing district to which the address relates, the
17 amounts of special motor vehicle excise tax relating to the vehicle,
18 and the surcharge to be collected.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.44 RCW
20 to read as follows:

21 (1) For the purpose of determining the amount of special motor
22 vehicle excise tax validly authorized and levied by any taxing district
23 in this state, the value of a truck-type power or trailing unit shall
24 be the latest purchase price of the vehicle, excluding applicable
25 federal excise taxes, state and local sales or use taxes,
26 transportation or shipping costs, or preparatory or delivery costs,
27 multiplied by the following percentage based on year of service of the
28 vehicle since last sale. The latest purchase year is considered the
29 first year of service.

30	YEAR OF SERVICE	PERCENTAGE
31	1	100
32	2	90
33	3	83
34	4	75
35	5	67

1	6	59
2	7	52
3	8	44
4	9	36
5	10	28
6	11	21
7	12	13
8	13 or older	10

9 (2) The reissuance of title and registration for a truck-type power
10 or trailing unit because of the installation of body or special
11 equipment must be treated as a sale, and the value of the truck-type
12 power or trailing unit at that time, as determined by the department
13 from such information as may be available, is considered the latest
14 purchase price.

15 (3) For the purpose of determining the amount of special motor
16 vehicle excise tax validly authorized and levied by any taxing district
17 in this state, the value of a motor vehicle other than a truck-type
18 power or trailing unit is the manufacturer's base suggested retail
19 price of the vehicle when first offered for sale as a new vehicle,
20 excluding any optional equipment, applicable federal excise taxes,
21 state and local sales or use taxes, transportation or shipping costs,
22 or preparatory or delivery costs, multiplied by the applicable
23 percentage listed in this subsection based on year of service of the
24 vehicle.

25 If the manufacturer's base suggested retail price is unavailable or
26 otherwise unascertainable at the time of initial registration in this
27 state, the department shall determine a value equivalent to a
28 manufacturer's base suggested retail price as follows:

29 (a) The department shall determine a value using any information
30 that may be available, including any guidebook, report, or compendium
31 of recognized standing in the automotive industry or the selling price
32 and year of sale of the vehicle. The department may use an appraisal
33 by the county assessor. In valuing a vehicle for which the current
34 value or selling price is not indicative of the value of similar
35 vehicles of the same year and model, the department shall establish a
36 value that more closely represents the average value of similar
37 vehicles of the same year and model.

1 (b) The value determined in (a) of this subsection shall be
2 multiplied by the applicable percentage listed in this subsection to
3 establish a value equivalent to a manufacturer's base suggested retail
4 price. The applicable percentage must be based on the year of service
5 of the vehicle for which the value is determined.

6	YEAR OF SERVICE	PERCENTAGE
7	1	100
8	2	95
9	3	89
10	4	83
11	5	74
12	6	65
13	7	57
14	8	48
15	9	40
16	10	31
17	11	22
18	12	14
19	13 or older	10

20 (4) For purposes of this chapter, value excludes value attributable
21 to modifications of a motor vehicle and equipment that are designed to
22 facilitate the use or operation of the motor vehicle by a person with
23 a disability.

24 **Sec. 11.** RCW 82.44.065 and 1990 c 42 s 305 are each amended to
25 read as follows:

26 If the department determines a value for a motor vehicle under
27 (~~RCW 82.44.041~~) section 10 of this act equivalent to a manufacturer's
28 base suggested retail price or the value of a truck-type power or
29 trailing unit under (~~RCW 82.44.041(2)~~) section 10 of this act, any
30 person who pays (~~the~~) a special motor vehicle excise tax (~~under this~~
31 ~~chapter~~) collected by the department for that vehicle may appeal the
32 valuation to the department under chapter 34.05 RCW. If the taxpayer
33 is successful on appeal, the department shall refund the excess tax in
34 the manner provided in RCW 82.44.120.

1 **Sec. 12.** RCW 82.44.120 and 2003 c 53 s 403 are each amended to
2 read as follows:

3 (1) Whenever any person has paid a motor vehicle license fee, and
4 together therewith has paid (~~(an)~~) a special motor vehicle excise tax
5 (~~(imposed under the provisions of this chapter)~~) collected by the
6 department, and the director determines that the payor is entitled to
7 a refund of the entire amount of the license fee as provided by law,
8 then the payor shall also be entitled to a refund of the entire excise
9 tax collected under the provisions of this chapter. In case the
10 director determines that any person is entitled to a refund of only a
11 part of the license fee so paid, the payor shall be entitled to a
12 refund of the difference, if any, between the excise tax collected and
13 that which should have been collected.

14 (2) In case no claim is to be made for the refund of the license
15 fee or any part thereof, but claim is made by any person that he or she
16 has paid an erroneously excessive amount of excise tax, the department
17 shall determine in the manner generally provided in this chapter the
18 amount of such excess, if any, that has been paid and shall certify to
19 the state treasurer that such person is entitled to a refund in such
20 amount.

21 (3) In any case where due to error, a person has been required to
22 pay an excise tax (~~(pursuant to this chapter)~~) collected by the
23 department and a vehicle license fee pursuant to Title 46 RCW which
24 amounts to an overpayment of ten dollars or more, such person shall be
25 entitled to a refund of the entire amount of such overpayment,
26 regardless of whether or not a refund of the overpayment has been
27 requested. Conversely, if due to error, the department or its agents
28 has failed to collect the full amount of the license fee and excise tax
29 due, which underpayment is in the amount of ten dollars or more, the
30 department shall charge and collect such additional amount as will
31 constitute full payment of the tax.

32 (4) Any claim for refund of an erroneously excessive amount of
33 excise tax or overpayment of excise tax with a motor vehicle license
34 fee must be filed with the director within three years after the
35 claimed erroneous payment was made.

36 (5) If the department approves the claim it shall notify the state
37 treasurer to that effect, and the treasurer shall make such approved
38 refunds from the general fund and the funds that would otherwise be

1 payable to the taxing district that has levied any special motor
2 vehicle excise tax and shall mail or deliver the same to the person
3 entitled thereto.

4 (6) Any person making any false statement under which he or she
5 obtains any amount of refund to which he or she is not entitled under
6 the provisions of this section is guilty of a gross misdemeanor.

7 NEW SECTION. Sec. 13. All prior actions by a city transportation
8 authority and the department of licensing that are consistent with the
9 provisions of this act are ratified and confirmed.

10 NEW SECTION. Sec. 14. If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. Sec. 15. This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

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